

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In RE:

VICTOR L. BOSTON,
JULIE A. BOSTON,

Case No.: 11-60555
Chapter 13

Debtors.

NOTICE OF HEARING AND MOTION TO OBJECT TO CLAIM

TO: THE CLAIMANTS, THE TRUSTEE, THE US TRUSTEE, AND ALL PARTIES
REQUESTING NOTICE:

1. The debtors herein move the court for the relief requested below and give notice of hearing.
2. The court will hold a hearing on this motion at **U S Bankruptcy Court, Courtroom 2, 118 South Mill Street, Fergus Falls, Minnesota**, on **June 26, 2012 at 10:15 a.m.**
3. Any response to this motion must be delivered and filed not later than June 21, 2012, which is five days before the time set for the hearing (including Saturdays, Sundays and holidays). **UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**
4. This court has jurisdiction over this motion pursuant to 28 U.S.C. §§ 157 and 1334, Bankruptcy Rule 5005 and Local Rule 1070-1. This proceeding is a core proceeding. The petition commencing this chapter 13 case was filed on May 27, 2012. This case is now pending in this court.
5. This motion arises under 11 U.S.C. § 502 and Fed. R. Bankr. P 3007 Local Rule 3007-1. This motion is filed under Bankruptcy Rule 9014 and Local Rule 9013. Movant seeks an order of the Court denying Claim 4-1 filed by Steven H. Bruns on behalf of Bank of America, N.A., successor by merger to BAC Home Loans Servicing, LP, in the amount of \$144,544.04.
6. This motion is filed because debtors entered into a valid mortgage modification agreement with Countrywide Home Mortgage Company, the predecessor to Bank of America which reduced the monthly mortgage payments to \$717.22. This payment amount should be used to determine the amount of arrearages included in the Chapter 13 Plan.

Wherefore, the debtors move the Court for an Order denying Claim No. 4-1 filed by Steven H. Bruns, and such other relief as may be just and equitable.

Dated: May 9, 2012

/e/ Logan Moore
Logan Moore
Attorney for Debtors
1118 Broadway
Alexandria, MN 56308
Attorney I.D. #312083

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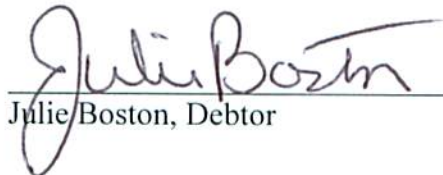
AFFIDAVIT

Victor and Julie Boston, under penalty of perjury, state the following:

1. That they are the debtors in the above-referenced bankruptcy; and
2. That Julie Boston did sign and return the Modification Agreement to Countrywide Home Mortgage Company.
3. That they did make payments in the amount of \$1,853.07 on such Modification Agreement.

Executed on May 8, 2012


Victor Boston, Debtor


Julie Boston, Debtor

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ORDER DENYING CLAIM

This matter came before the court on the motion Julie and Victor Boston as debtors herein, seeking an order of the court denying certain claims filed in this case. Based upon the file, record and proceedings herein,

IT IS HEREBY ORDERED:

1. The debtors' motion seeking denial of claims is Granted. The following claims are denied in their entireties:
 - a. Claim 4-1 filed by Steven H. Bruns on behalf of Bank of America, N.A., successor by merger to BAC Home Loans Servicing, LP, in the amount of \$144,544.04.
2. Bank of America may file a new claim per the valid Modification Agreement entered into by the Debtor and Countrywide Home Mortgage Company.

Dated:

Judge Dennis D. O'Brien
United States Bankruptcy Judge

STATE OF MINNESOTA)
) ss.
COUNTY OF DOUGLAS)

Lauren Grothen, of the City of Alexandria, County of Douglas, in the State of Minnesota, being duly sworn, says that on the 9th day of May, 2012 she served the attached **Notice of Hearing and Motion to Object to Claim**, by electronically filing with:

US Bankruptcy Court
204 PO Building
118 S. Mill Street
Fergus Falls MN 56537

The following parties were served automatically by the United States Bankruptcy Court at the following email address:

US Trustee
ustpreion12.mn.ecf@usdoj.gov

Mr. Kyle Carlson
info@carlsonch13mn.com

The following parties were served by mailing a true and correct copy thereof, enclosed in an envelope with first-class postage prepaid, and by depositing same in the post office at Alexandria, Minnesota, addressed as follows:

Steven H. Bruns, Esq.
55 E 5th Street, Suite 800
St. Paul, MN 55101

Bank of America, N.A.
Bankruptcy Department
Mailstop TX2-982-03-03
7105 Corporate Drive
Plano, TX 75024

Proper & Raphael
Attorneys at Law
20750 Ventura Blvd, Suite 100
Woodland Hills, CA 91364

and I declare under penalty of perjury that the foregoing is true and correct.

Date: May 9, 2012

/e/ Lauren Grothen
Lauren Grothen